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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session
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Item 6 of the provisional agenda
Implementation of articles 21 and 22 of the Convention

Reports by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities

Report by the International Labour Office*

Summary

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies of the United Nations have been invited to submit to the Committee on the Elimination of Discrimination against Women, at its sixty-third session, reports on the implementation of the Convention in areas falling within the scope of their activities.

* The present document was submitted late owing to delayed inputs from other sources.

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I. Introduction

1. The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of conventions of the International Labour Organization (ILO). Of the 189 conventions adopted to date, the information herein relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 171 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 172 member States
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 44 member States

2. Where applicable, reference is made to a number of other conventions relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29)
- Protocol of 2014 to the Forced Labour Convention, 1930 (Po29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night work

- Night Work (Women) Convention (Revised), 1948 (No. 89) and its Protocol of 1990

- Night Work Convention, 1990 (No. 171)

Underground work

- Underground Work Convention, 1935 (No. 45)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Indigenous and tribal peoples

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Part-time work

- Part-Time Work Convention, 1994 (No. 175)

Home work

- Home Work Convention, 1996 (No. 177)

Domestic workers

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the ILO Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the annual report of the Committee, produced in English, French and Spanish, which are submitted to the Committee on the Application of Standards of the International Labour Conference. Direct requests, produced in English and French, and, in the case of Spanish-speaking countries, also in Spanish, are not published in book form, but are made public. At a later date, they are published on the ILO database of supervisory activities, NORMLEX.

4. The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in section II can be found on the NORMLEX database at www.ilo.org/dyn/normlex/en/.

5. It will be noted that, in its own comments, the Committee of Experts often includes references to the information submitted by Governments to the Committee on the Elimination of Discrimination against Women or to the other treaty bodies, as well as to reports issued by those bodies.

II. Indications concerning the situation of individual countries

Czech Republic

6. Of the relevant fundamental ILO conventions, the Czech Republic has ratified Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and 182. Of the relevant governance ILO conventions, it has ratified Convention No. 122. Of the relevant technical ILO conventions, it has ratified Conventions Nos. 45, 89, 142 and 171.

Comments made by the supervisory bodies of the International Labour Organization

7. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Forced Labour Convention, 1930 (No. 29)

8. In its direct request of 2014, the Committee noted information provided by the Government on the practical application of section 168 of the Penal Code, as well as on the measures taken to prevent and combat trafficking in persons in the framework of the National Strategy to Combat Trafficking in Human Beings (2008-2011) and (2012-2015). The Committee noted the comprehensive information on the measures adopted and results achieved in the context of the Programme to Support and Protect Victims of Trafficking in Human Beings, including the number of victims assisted by the Programme since 2010. Finally, the Committee noted the indication by the Government that section 168 had been amended by Act No. 141/2014 with a view to broadening its scope to include the act of "recruiting a child or other person for the purpose of forced labour" among the acts punishable under the crime of trafficking in persons.

Equal Remuneration Convention, 1951 (No. 100)

9. In its direct request of 2012, the Committee noted the indication by the Government that the entry into force of Act No. 218/2002 (the Civil Service Act) had been postponed until 1 January 2015. It also noted the indication by the Czech-Moravian Confederation of Trade Unions that the changes in the remuneration of employees in the public services and administration introduced by the Government from 1 January 2011, within a context of budgetary reductions of 10 per cent for 2011, violated the principles of "equal pay for equal work or work of equal value" and "equal treatment as regards remuneration" set out in the Labour Code and were in contradiction with European Union law. The reply by the Government to that was that the change had been made in order, among other things, to correct possible discrimination on the basis of age due to the seniority principle, which prevented young employees from obtaining adequate remuneration for high performance.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

10. In its observation of 2012, which was a follow-up to the conclusions of the Conference Committee on the Application of Standards (International Labour Conference, 99th session, June 2010), the Committee recalled that the Labour Code of 2006 (Act No. 262/2006) prohibited all forms of discrimination in labour relations but did not specify any prohibited grounds, unlike the previous Labour Code, which

had prohibited discrimination on the basis of sex, sexual orientation, racial or ethnic origin, nationality, citizenship, social background, family background, language, health condition, age, religion or confession, property, marital or family status, family responsibilities, political or other conviction and membership of or activity in political parties or movements, trade union or employers' organizations. It noted, however, that the Anti-Discrimination Act (No. 198/2009 Coll.) prohibited direct and indirect discrimination on the basis of race, ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or world view. In addition, the Employment Act (No. 435/2004) prohibited any form of direct or indirect discrimination against persons exercising their right to employment, on the same grounds as under the former Labour Code before its amendment by Act No. 367/2011. The Committee noted the indication by the Government that, under the amendment, the list of prohibited grounds of discrimination had been replaced by an explicit reference to the Anti-Discrimination Act. It also noted the indication by the Government that section 16 of the Labour Code had been amended by Act No. 365/2011 Coll., which added to the provisions on equal treatment and prohibition of discrimination with an explicit reference to the Anti-Discrimination Act. Noting these legislative developments, the Committee asked the Government to take the necessary measures for the protection of workers against discrimination in training, recruitment and terms and conditions of employment, on the basis of all the grounds previously covered by the labour legislation. It also asked the Government to monitor closely the application of the Anti-Discrimination Act and the Charter of Fundamental Rights and Freedoms, specifically in the field of employment and occupation, as well as the application of the Labour Code and the Employment Act in practice, particularly with regard to the possibility for workers to assert their right to non-discrimination and to obtain compensation, and to ensure that they were provided adequate protection against discrimination on the basis of, at least, all the grounds enumerated in article 1 (1) (a) of the Convention.

11. In its direct request of 2012, the Committee noted, from the statistics provided by the Czech Statistical Office in the Labour Force Sample Survey (2011), that, overall, the labour market remained significantly segregated by gender. The Committee also noted from the information provided by the Government that the share of part-time in total employment amounted to 5.5 per cent (8.5 per cent of women and 2 per cent of men) as well as the indication by the Government that parental leave is used mostly by women.

Night Work Convention, 1990 (No. 171)

12. In its direct request of 2010, the Committee noted the reference by the Government to sections 42-44 of Act No. 187/2006 Coll. on sickness insurance and to section 239 of the Labour Code, by virtue of which, when the transfer to daytime work of a pregnant woman or breastfeeding mother working at night results in a lower level of earnings, she is entitled to a compensatory benefit paid from sickness insurance funds. The Committee considered, however, that those provisions referred to the income protection of the woman worker, as required by article 7 (3) (b) of the Convention, but that they may not be deemed to give effect to article 7 (3) (c), which pertains to the maintenance of benefits relating to status, seniority or access to promotion during the temporary transfer to daytime work of a woman worker on maternity grounds.

Worst Forms of Child Labour Convention, 1999 (No. 182)

13. In its direct request of 2014, the Committee requested the Government to take effective and time-bound measures to protect Roma children against trafficking for sexual or illegal activities.

Other conventions

14. The most recent report of the Government on Convention No. 122 has been received, and was examined by the Committee of Experts at its session in November-December 2015. Relevant comments by the Committee will be made publicly available in the course of February 2016.

15. The Government has been requested to submit its reports on Conventions Nos. 87 and 98, which are due to be reviewed by the Committee of Experts at its session in November-December 2016.

Iceland

16. Of the relevant fundamental ILO conventions, Iceland has ratified Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and 182. Of the relevant governance ILO conventions, it has ratified Convention No. 122. Of the relevant technical ILO conventions, it has ratified Convention No. 156.

Comments made by the supervisory bodies of the International Labour Organization

17. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

18. In its direct request of 2014, the Committee noted that, in 2012, the unadjusted gender pay gap stood at 18.1 per cent. The Committee noted that the Government had acknowledged that gender stereotypes and a gender-segregated labour market were some of the underlying causes of the gender pay gap and must therefore inform the measures adopted to address wage disparities between men and women. In that regard, the Government adopted a four-year plan of action on gender equality regarding wages in October 2012. The plan is aimed at reducing gender-based wage differentials "considerably" by the end of 2016.

19. In the same comment, the Committee noted that, with regard to section 19 of the Act on Equal Status and Equal Rights of Women and Men No. 10/2008, which provides that the equal pay principle applies to men and women working for the same employer, a bill amending the Act was to be submitted to Parliament for consideration by the end of 2013. According to the Government, the aim of the bill was to fully implement Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006, which establishes, inter alia, that "in certain circumstances, the principle of equal pay is not limited to situations in which men and women work for the same employer" (para. 10).

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

20. In its direct request of 2013, the Committee requested the Government for information on the practical application of section 2 (2) of the Act on Equal Status and Equal Rights of Men and Women, No. 10/2008, according to which exceptions to the definition of indirect discrimination may be "appropriate, necessary or justifiable in terms of impartial considerations independent of gender", and how it is ensured in practice that they are limited to the inherent requirements of a particular job under article 1 (2) of the Convention. The Committee also noted the indication by the Government that, in the framework of the Gender Equality Action Programme 2011-2014, a project to address occupational gender segregation in the labour market and the stereotypes concerning men and women in employment and occupation was planned to be implemented by the end of 2013. The Committee also requested the Government to provide information on the progress made in increasing the proportion of women on boards of directors as a result of the Act amending the Act on Public Limited Companies and the Act on Private Limited Companies, No. 13/2010.

21. The Committee further noted the indication by the Government that, as of 2012, 36 of the 76 municipalities in the country had adopted gender equality programmes. The Government also indicated that, in July 2012, municipalities were requested by the Centre on Gender Equality to submit reports on the situation and on developments in the field of gender equality at the municipal level. The Committee noted that, according to preliminary figures provided by the Government, the proportion of women among municipal representatives had increased significantly, from 4 per cent in 1974 to 40 per cent in 2010, and that, in 2011, 32 per cent of mayors and directors of municipalities were women.

Worst Forms of Child Labour Convention, 1999 (No. 182)

22. In its direct request of 2013, the Committee noted that section 202 (4) of the General Penal Code, as amended by Act No. 14/2002, stated that anyone who pays a child under 18 years in return for sexual intercourse commits a punishable offence. The Committee noted the indication by the Government that the issue had been forwarded to the ministry concerned, and that, in 2007, the Penal Code had been amended to decriminalize the act of prostitution and that, therefore, children under 18 engaged in prostitution cannot be treated as offenders.

Other conventions

23. The most recent reports of the Government on Conventions Nos. 29, 105, 138 and 182 have been received, and were examined by the Committee of Experts at its session in November-December 2015. Relevant comments by the Committee will be made publicly available in the course of February 2016.

24. The Government has been requested to submit its reports on Conventions Nos. 100, 111, 122 and 156, which are due to be reviewed by the Committee of Experts at its session in November-December 2016.

Japan

25. Of the relevant fundamental ILO conventions, Japan has ratified Conventions Nos. 29, 87, 98, 100, 138 and 182. Of the relevant governance ILO conventions, it has ratified Convention No. 122. Of the relevant technical ILO conventions, it has ratified Conventions Nos. 45, 142 and 156.

Comments made by the supervisory bodies of the International Labour Organization

26. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Forced Labour Convention, 1930 (No. 29)

27. In its 2012 observation, the Committee noted that, for a number of years, it had been examining the issues of wartime industrial forced labour and sexual slavery (in relation to the so-called "comfort women") during the Second World War. The Committee noted that workers' organizations had expressed concern about the position of the Government with regard to the issue. The organizations called on the Government to review national laws with a view to removing existing obstacles to obtaining full reparations before Japanese courts. Some of the communications referred to a decision of the Constitutional Court of the Republic of Korea passed on 30 August 2011 on the constitutional appeal filed by 109 surviving victims of military sexual slavery, in which the Constitutional Court urged the Korean Government to take proactive action to restore the violated human rights of the victims. In compliance with that decision, the Korean Government proposed bilateral talks to settle the issue with the Government of Japan.

28. The matter of military sexual slavery has been taken up by the United Nations bodies. In particular, the report of the Special Rapporteur on violence against women, its causes and consequences (A/HRC/14/22), was submitted to the United Nations Human Rights Council on 23 April 2010. From March 2008 up to August 2012, 36 Japanese city councils and 54 Korean city councils adopted resolutions urging the Government to resolve the matter of Japanese military sexual slavery, to restore dignity and justice to the victims, to provide them with compensation and to further educate the public.

29. The Committee took due note of the repeated statement by the Government in its reports that it remains committed to the position expressed in the August 1993 statement of the then Chief Cabinet Secretary, Yohei Kono, in which he expressed sincere apologies and remorse to the former "comfort women", recognizing that the issue was a grave affront to the honour and dignity of a large number of women.

30. As regards the non-legal measures to respond to the claims of the surviving victims of wartime military sexual slavery, the Government referred once again to the activities of the Asian Women's Fund, which was established in 1995 in order to extend atonement from the Government and people of Japan to the former "comfort women" and was dissolved in 2007, after it had completed its objectives. The Committee noted the indication by the Government that it provided all possible assistance for the Fund, including bearing its total operational costs. However, the Committee recalled that the rejection by the majority of former "comfort women" of

monies from the Fund, because it was not seen as compensation from the Government, suggested that the measure had not met the expectations of the majority of the victims. The Committee therefore expressed the hope that the Government would make efforts, in consultation with the surviving victims and the organizations which represented them, to find an alternative way to compensate the victims in a manner that would meet their expectations.

31. The Committee noted that the Government had repeated its previous statement that it would continue to implement follow-up activities by the Asian Women's Fund. The Government reiterated that, as part of such follow-up, the Government of Japan had entrusted the people who were involved in the Fund to implement visiting care activities and group counselling activities (Republic of Korea and the Philippines), and exchange of opinions with government officials and academia (Indonesia and the Philippines). The Government also indicated that it had increased the budget of the visiting care activities and group counselling activities and would continue to implement follow-up activities by the Fund, while continuing its efforts to grasp the needs of former "comfort women".

32. Finally, the Committee noted the indication by the Government in its report that, during the period from 1 June 2010 to 31 May 2012, the courts "pronounced" on five cases regarding "conscripted forced labourers" with regard to lawsuits in which the plaintiffs claimed State compensation for damages. The Government indicated that, in all the cases, the plaintiffs' claims for compensation against the Government of Japan had been dismissed by reason that not all the cases fall under the reasons for final appeals in the Code of Civil Procedure. There were no court decisions regarding the matter of "comfort women". The Government also indicated that, as of 31 May 2012, there were no cases pending in the Japanese courts concerning the matters of "comfort women" and "conscripted forced labourers".

33. In the same observation, the Committee noted with interest the information on various measures taken by the Government under the 2009 Action Plan to combat trafficking in persons that was provided in its report received on 1 October 2012. It noted, in particular, the indications by the Government concerning measures taken in the areas of prevention of trafficking in persons (such as the reinforcement of immigration control measures and measures to raise public awareness), protection of victims (including the functioning of the Women's Consulting Offices, improvement in the status of residence of the victims and assistance for the repatriation of victims), prosecution of offenders and cooperation with foreign governments and international organizations. The Committee also noted the comments received from the Japanese Trade Union Confederation concerning anti-trafficking measures, in which the Confederation reiterated its view that victim protection measures should be reinforced, and called again for the implementation of a multifaceted support system encompassing a broad range of measures in accordance with the 2008 recommendations of the United Nations Human Rights Committee. The Confederation also called for the strengthening of countermeasures against fraudulent marriages arranged for the purpose of obtaining working visas in Japan, which can result in the imposition of forced labour conditions by the fake marriage brokers. More particularly, as regards such countermeasures, the Government indicated in its report that the immigration authorities conducted stricter residence examination procedures and cooperated with the police in order to identify cases of trafficking in persons and to protect the victims in accordance with the 2009 Action Plan to combat trafficking in persons.

Equal Remuneration Convention, 1951 (No. 100)

34. In its 2014 observation, which was also a follow-up to the recommendations of the tripartite committee, the Committee noted that, with regard to section 4 of the Labour Standards Law, which provides that "an employer shall not engage in discriminatory treatment of a woman as compared to a man with respect to wages by reason of the worker being a woman" the Government indicated that a related Notification had been revised in December 2012 in order to clarify the interpretation of the provision, and some court cases relating to the provision were added as references. The Committee also noted the views expressed by Zensekiyu Showa-Shell Labour Union, Aichi Solidarity Labourers' Union and the Union of Women Trading Company Workers that the principle of equal remuneration for work of equal value is not considered as a principle that directly regulates employment relations, thereby creating a significant barrier to pay equity. In addition, the Japanese Trade Union Confederation observed that the interpretation by the Government of section 4 of the Labour Standards Law in the Notification limits the scope of the discrimination to be eliminated and does not directly deal with equal remuneration for men and women for work of equal value. The Confederation reiterated its request for the inclusion of a clause prohibiting wage discrimination on the basis of sex in the Equal Employment Opportunity Law, and for "sex" to be added as a ground of discrimination in section 3 of the Labour Standards Law.

35. The Committee also noted that, in Japan, "non-regular employment" refers to part-time and fixed-term work. With respect to part-time employment, the Committee noted from the Labour Force Survey of 2012 that women workers constituted 69.2 per cent of all part-time workers. According to the Japanese Trade Union Confederation, the wages and working conditions of many part-time workers remain at low levels and their wages increase little with age or length of service. The Committee noted section 8 of the Part-Time Workers Law, which prohibits discriminatory treatment in the determination of wages only in the case of part-time workers who meet specific requirements. The Committee noted that, according to the National Confederation of Trade Unions, an official survey showed that, owing to these criteria, in practice only 1.3 per cent of part-time workers enjoyed equal treatment with their full-time counterparts. The Committee noted with interest the adoption of Law No. 27 of 2014 to amend the Part-Time Workers Law. Law No. 27 amended several provisions, including section 8 (1) on the prohibition of discrimination, to remove the requirement relating to the conclusion of a contract for an indefinite period of time. Recalling that the Convention applies to both full-time and part-time workers, the Committee asked the Government to provide detailed information on the content and scope of the amendments to the Part-Time Workers Law and their impact on the situation of part-time workers with respect to remuneration.

36. The Committee further noted that, as of 1 April 2012, there were a total of 603,582 temporary and part-time officials in local governments, of whom 74.2 per cent were women, and that job categories are highly segregated by gender. According to the Government, since 24 April 2009, local governments have been regulated by a notification explaining the system related to temporary and part-time employees. The Japanese Trade Union Confederation underlined the precarious situation of such workers, 65 per cent of whom were paid on a daily or weekly basis. The trade union also stressed that the absence of provisions in the Local Autonomy Law and the Local Public Service Law regarding temporary and part-

time workers in the public sector made the status of the latter unclear; they had little access to commuting allowances, regular medical examinations and bereavement leave, although they were usually engaged in jobs similar to those of regular workers. The Confederation also indicated that, in May 2013, the Alliance of Public Service Workers Unions submitted to the Diet a bill to amend partially the Local Autonomous Law with a view to ensuring the entitlement to various allowances, on the basis of municipal ordinances, of part-time employees who were equivalent in their working conditions to full-time employees or were in official posts with shorter working hours.

37. The Committee noted the career-tracking system, which introduced "Employment Management Categories" in the guidelines under the Equal Employment Opportunity Law. The Government indicated that the proportion of women who were counted as prospective employees in the main career track remained low (11.6 per cent) and businesses employing a small number of women in the main career track were advised to expand their recruitment. The Committee added that the issue of guidance on career tracking systems had been discussed in the Tripartite Advisory Council, and acknowledged that workers with family responsibilities had difficulties in continuing working or taking such posts. In that connection, the Aichi Solidarity Labourers' Union and the Union of Women Trading Company Workers emphasized that, given the wide power of the employer over reassignment and relocation, workers who needed to balance work and family life were excluded from the system. The Japanese Trade Union Confederation reiterated concern that the issue of gender discrimination under the Law was only examined within each employment management category, thereby preventing the possibility of comparing and evaluating jobs in different employment categories, and therefore continued to call for the abolition of employment categories.

Workers with Family Responsibilities Convention, 1981 (No. 156)

38. In its 2012 observation the Committee notes with interest the legislative measures to give effect to the provisions of the Convention, in particular the amendments made by Law No. 65 of 1 July 2009 to the Childcare and Family Care Leave Law. The Committee asked the Government to strengthen its efforts to ensure the application of the Convention to fixed-term and part-time workers, including in the public sector.

39. With regard to the reduction of working hours the Committee notes that the Guidelines concerning improvement of the setting of working hours (No. 108 of 2008) refer to reconciliation of work and family life. It also notes the indication by the Government that the amendment made to the Labour Standards Law, which became effective on 1 April 2010, and which raised the overtime wage rate, is aimed at reducing long working hours and realizing a society in which work and family responsibilities are balanced. The Committee, however, notes problems regarding the impact of working hours on the balance between work and family responsibilities.

40. With regard to termination of employment on a discriminatory basis the Committee notes that the protection against dismissal or other disadvantageous treatment has been expanded to cover leave for caring for a sick or injured child, family care leave, and persons benefiting from a restriction on overtime work or night work, and from a short working time.

41. In its direct request of 2012 the Committee noted, with respect to national policy measures, the Strategy for the Rebirth of Japan, the Charter on Work life Balance and the Action Guidelines on Promoting Work-Life Balance. In relation to childcare facilities, the Government indicated that, under the Vision for children and childcare, formulated in January 2010, a goal was set to increase the capacity of child day-care centres from 2.15 million in the fiscal year 2009 to 2.41 million in the fiscal year 2014. The Committee noted the observation by the Japanese Trade Union Confederation, citing a press release by the Ministry of Health, Labour and Welfare that, as at October 2010, 48,356 children were still waiting for places in the childcare centres.

Other conventions

42. The most recent reports by the Government on Conventions Nos. 29, 45 and 138 have been received, and were examined by the Committee of Experts at its session in November-December 2015. Relevant comments by the Committee will be made publicly available in the course of February 2016.

43. The Government has been requested to submit its reports on Conventions Nos. 100 and 156, which are due to be reviewed by the Committee of Experts at its session in November-December 2016.

Haiti

44. Of the relevant fundamental ILO conventions, Haiti has ratified Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and 182. Of the relevant technical ILO conventions, it has ratified Convention No. 45.

Comments made by the supervisory bodies of the International Labour Organization

45. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Forced Labour Convention, 1930 (No. 29)

46. In its direct request of 2012, the Committee noted the comments of the International Trade Union Confederation to the effect that the trafficking and smuggling of children, particularly to the Dominican Republic, persists, and includes cases of sexual abuse of women and young girls who have been trafficked, the theft of their possessions and violence, which may go as far as murder. The Committee also noted the concern expressed by the Confederation relating to the absence of legislation allowing those responsible for trafficking in persons to be brought to justice and urging the Government to establish an appropriate legislative framework in dialogue with the social partners. The Committee noted the indication by the Government that the Bill on trafficking was under examination by the Chamber of Deputies, and that the Inter-Ministerial Working Group on human trafficking and the International Organization for Migration, which have worked on the text, were advocating its adoption.

Equal Remuneration Convention, 1951 (No. 100)

47. In its direct request of 2012 (repeated in 2014), the Committee noted the adoption in May 2009 of the Domestic Work Act, which amended section 257 of the Labour Code relating to the rights of male and female domestic workers and thereby brought that category of workers within the scope of section 317 of the Labour Code, which establishes the principle of equal remuneration for men and women for work of equal value. However, the Committee noted the indication by the Government that, although Parliament had voted for the Act, it had not yet come into force since it had to be promulgated by the Executive.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

48. In its direct request of 2012 (repeated in 2014), the Committee noted that the Government referred to section 3 of the Labour Code, which provides for the equality of all workers before the law and for the abolition of any form of discrimination, and to section 50 of the Code, in which it is stated that any termination of an employment contract on the basis of the worker's opinions, union or religious activities, membership of an authorized social, literary, political, artistic or sporting association, or sex or race, shall be deemed to constitute wrongful dismissal. The Committee emphasized the fact that the existence of general provisions on equality is insufficient, and that in most cases comprehensive anti-discrimination legislation is needed for the Convention to be applied effectively. The Government stated that the adoption of explicit provisions was an idea to be taken into account in the revision of the Labour Code, the preliminary version of which was being drafted with the technical assistance of ILO.

49. The Committee also noted that the Domestic Work Act of May 2009 amended section 257 of the Labour Code to broaden the rights of domestic workers, especially with regard to holidays and rest days, and to ensure that they are covered by all the provisions laid down in sections 316 ff. of the Labour Code (gender equality, equal pay for work of equal value and maternity protection).

Worst Forms of Child Labour Convention, 1999 (No. 182)

50. In its 2012 observation, the Committee noted the allegations of the International Trade Union Confederation that smuggling and trafficking in children is continuing, particularly towards the Dominican Republic. The Confederation had gathered eyewitness reports of serious sexual abuse and violence, even including murder, against young women and young girls who have been trafficked, in particular by Dominican military personnel. The Confederation expressed concern at the fact that there does not appear to be a law under which those responsible for trafficking in persons can be brought to justice. The Committee noted that, according to information from ILO/International Programme on the Elimination of Child Labour, very little progress had been achieved in the adoption of the draft legislation. The Committee requested the Government to take the necessary measures to ensure that the Bill on trafficking in children is adopted as a matter of great urgency. It also urged the Government to take immediate and effective measures to ensure that in-depth investigations and effective prosecutions are completed with regard to persons who have engaged in the sale and trafficking of children under 18 years of age for sale or trafficking.

51. The Committee requested the Government to provide information on the progress achieved in the formulation and implementation of the national plan of action to combat child labour, and on the activities undertaken by the Multi-Agency Support Team and the National Tripartite Commission for the Prevention and Elimination of Child Labour for that purpose.

52. The Committee had previously noted that, even though section 2 of the Act of 2003 prohibits abuse and violence against children and also their exploitation, for example through servitude and forced or compulsory labour, as well as forced services; for the use, procuring, transport, transfer, accommodation, reception or use of children for sexual exploitation, prostitution and pornography; the offering, procuring, transfer, accommodation, reception or use of children for illicit activities; work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children; and the recruitment of children for use in armed conflict, no penalties have been established for violations of that provision. The Committee noted the indication by the Government that it was planning to refer the issue of the penalties to be imposed for violations of the Convention to the authorities responsible for judicial reform.

53. The Committee noted low attendance in primary education. Considering that education contributes to preventing the engagement of children in the worst forms of child labour, the Committee firmly encouraged the Government to continue its efforts to improve the functioning of the education system. It also requested the Government to provide information on the results achieved in the context of the National Action Strategy for Education for All during the period 2008-2015.

Other conventions

54. The Government has been requested to submit its reports on Conventions Nos. 100 and 111, which are due to be reviewed by the Committee of Experts at its session in November-December 2016.

Mongolia

55. Of the relevant fundamental ILO conventions, Mongolia has ratified Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and 182. Of the relevant governance ILO conventions, it has ratified Convention No. 122. Of the relevant technical ILO conventions, it has ratified Convention No. 103.

Comments made by the supervisory bodies of the International Labour Organization

56. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Forced Labour Convention, 1930 (No. 29)

57. The Committee noted the indication by the Government in its report that, as a result of the increase in trafficking in persons for sexual exploitation and forced labour, the Government had taken measures to improve legislation. The Committee noted in that regard that the Government passed the Law on Combating Human

Trafficking in January 2012. The Government also stated that a working group of the Ministry of Justice and Home Affairs was currently developing a draft law on protection of witnesses and victims, which was expected to be submitted for discussion in 2012.

58. The Committee noted the concluding observations of the Human Rights Committee of March 2011 (see CCPR/C/MNG/CO/5, para. 21), which expressed concern about the enforcement of legislation against human trafficking, as well as about the lack of protection for victims and witnesses and of adequate compensation and rehabilitation measures. The Human Rights Committee regretted that a large proportion of cases of trafficking were dismissed by the courts and that in the majority of cases prosecuted sections of the Criminal Code relating to prostitution were applied rather than section 113 of the Criminal Code punishing trafficking in persons, resulting in lighter sanctions.

Equal Remuneration Convention, 1951 (No. 100)

59. In its 2014 observation, the Committee recalled that section 49 (2) of the Labour Code and section 11 (2), (3) and (4) of the Law on the Promotion of Gender Equality Law on the Promotion of Gender Equality only referred to equal work and did not give expression to the concept of "work of equal value", in accordance with the Convention, and noted that a new draft labour law was currently being prepared.

60. In its direct request of 2014, the Committee noted the information provided by the Government that women continued to be paid at lower levels than men in nearly every area of the economy. The Committee also noted that the Government had recognized in its report to the United Nations Committee on Economic, Social and Cultural Rights that "women mostly work in implementing positions or common professions" while "the employment of men is much higher in highly productive, financially capable, well-paid sectors" (see E/C.12/MNG/4, para. 62). The Committee noted in that respect that the Government referred to the State policy on remuneration adopted by the National Tripartite Committee on Labour and Social Consensus in 2012, which provides for the improvement of gender equality, the building of national capacity, and the reduction of inequalities in the distribution of wages in collective agreements and collective bargaining. The Government further indicated that it intended to pursue various goals as part of the Millennium Development Goals-Based Comprehensive National Development Strategy of Mongolia, including enforcing the Law on Promotion of Gender Equality. The Committee asked the Government, among other things, to provide information on the sensitization programmes and awareness-raising activities carried out to overcome traditional stereotypes regarding the role of women in society and to disseminate a better understanding of the principle of the Convention.

61. The Committee also noted that, in response to its request for information on the application of practical methods and approaches used for objective job evaluation, the Government indicated that the recommendation on remuneration for entities, approved in 2001 by the National Tripartite Committee on Labour and Social Consensus, provided for the principle of equal remuneration for work of equal value but contained no specific guidelines on how to apply that principle in practice.

62. The Committee noted the indication by the Government that sectoral agreements to increase the minimum wage do not depend on a specific set of criteria

or on the predominance of men or women working in the sector. The Committee noted however, from the data provided by the Government, that in the health sector, which typically employs a greater number of women, the minimum wage was significantly lower than in those sectors mostly employing men. The Committee therefore reiterated its request for the Government to provide information on measures taken to ensure that agreements to set sector-specific minimum wages do not undervalue jobs predominantly occupied by women relative to those occupied by men.

Maternity Protection Convention (Revised), 1952 (No. 103)

63. In its direct request of 2010 (repeated in 2014), the Committee noted the statement by the Government that the matter regarding the introduction of a compulsory period of postnatal maternity leave and the prohibition of dismissal during the period of maternity leave will be taken into account during the planned revision of the Labour Law 1999, scheduled for 2010.

64. The Committee also noted the indication by the Government that, under section 28.1.3 of the Health Care Law 1998, the cost of all types of medical check-ups, examinations and treatment related to pregnancy and confinement prescribed by a doctor will be borne by the State. It also noted that the Law on Social Assistance guarantees a cash benefit to a mother for 12 calendar months starting from her fifth month of pregnancy, and that it had been paid to every eligible mother since 1 January 2007, regardless of her insurance coverage.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

65. In its 2014 observation, the Committee noted that the new draft Labour Law was under preparation and that it addressed many of the issues raised by the Committee, including the exclusion of women from certain occupations, restrictions relating to the inherent requirements of the job, the protection of workers with family responsibilities and protection against sexual harassment. The Ministry of Labour and Social Welfare decided, following some studies carried out with a view to updating the list of prohibited jobs, that it was not necessary to adopt a list of prohibited jobs for women. The Government also indicated that under the new draft Labour Law women can only be excluded from certain occupations for reasons of maternity protection.

66. The Committee also referred in its previous comments to section 6.5.6 of the Law on Promotion of Gender Equality of 2011, which allows for sex-specific job recruitment "based on a specific nature of some workplaces such as in preschool education institutions". The Committee noted that the definition of inherent requirements in the new Draft Labour Law no longer referred to the limitations set out in the Law on the Promotion of Gender Equality. The Committee requested the Government to take the necessary measures to ensure that any limitations on protection against discrimination in recruitment are strictly related to the inherent requirements of the particular job, in accordance with article 1 (2) of the Convention.

67. In its direct request of 2014, the Committee recalled that the Law on Promotion of Gender Equality prohibits sexual harassment. The Committee noted that the draft Labour Law also contains provisions addressing sexual harassment, including a definition covering both quid pro quo and hostile environment sexual

harassment, and provides for prevention measures and awareness-raising activities, as well as remedies and sanctions.

68. The Committee noted the Government strategy for implementing the Law on the Promotion of Gender Equality. The Committee also noted from the information provided by the Government that the proportion of women in public sector leadership positions had fallen short of the quotas set forth in section 10 of the Law, specifically in the capital, Soum, and in the national context. The Government also indicated that the share of decision-making and management positions occupied by women is very low. Regarding women's access to credit, the Committee noted that the Government considered it impossible to collect sex-disaggregated data on the impact of the Small and Medium Enterprises Development Fund because it provided long-term concessionary loans for small and medium-sized enterprises without gender considerations. Regarding access to vocational training, the Government indicated that women were consistently outnumbered by men in vocational training (with women representing only 45 per cent of the students in each academic year from 2010 to 2013) and that boys aged 15 to 19 represented a predominant share of students enrolled in vocational training.

Worst Forms of Child Labour Convention, 1999 (No. 182)

a. Use, procuring or offering of a child for prostitution

69. The Committee recalled its previous comments, in which it had noted possible discrepancies between the penalties imposed under sections 115 and 124 of the Criminal Code, concerning the involvement of children under 18 years of age in prostitution. The Committee noted that the sentence imposed for committing a crime involving a person under the legal age is lower than when the crime is committed against other persons. The Committee noted the indication by the Government in its latest report that the Criminal Code was amended on 19 January 2012 and that, under the new provisions contained in the report of the Government, the penalty for involving minors in prostitution, among other things, is now higher (51-100 times the minimum salary or incarceration for a term of more than three to six months under section 115.2) than those involving other persons (20-50 times the minimum salary, 100-250 hours of labour, or incarceration of one to three months).

b. Use, procuring or offering of a child for the production of pornography or for pornographic performances

70. In its previous comments, the Committee noted that the preparation, dissemination, sale, display to the public and importation of pornographic materials is prohibited under section 123 of the Criminal Code, and that inducing a person under 16 years of age to commit such a crime carries a stiffer sanction. In that respect, the Committee reminded the Government that article 3 (b) of the Convention defining the worst forms of child labour applies to the use, procuring or offering of a child under 18 years of age. The Committee noted the reference by the Government, in its latest report, to the Law on Education and the Law on the Fight against Pornography, which were both amended on 19 January 2012. The Committee noted that the specific provisions of those Laws imposed aggravated penalties on crimes that involve "persons under the legal age" in the Law on Education, and when they involve "minors" in the Law on the Fight Against Pornography. Nevertheless, as the terms "persons under the legal age" and "minors"

were not defined in the excerpts from the legislation that were available, it was not possible to determine whether children over 16 years of age were included. The Committee requested the Government to indicate the definition of the terms "persons under the legal age" and "minors" as used in the context of the Law on Education and the Law on the Fight against Pornography.

Other conventions

71. The most recent reports of the Government on Conventions Nos. 29, 105, 138 and 182 have been received, and were examined by the Committee of Experts at its session in November-December 2015. Relevant comments by the Committee will be made publicly available in the course of February 2016.

72. The Government has been requested to submit its reports on Conventions Nos. 100, 111 and 122, which are due to be reviewed by the Committee of Experts at its session in November-December 2016.

United Republic of Tanzania

73. Of the relevant fundamental ILO conventions, the United Republic of Tanzania has ratified Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and 182. Of the relevant technical ILO conventions, it has ratified Convention No. 142.

Comments made by the supervisory bodies of the International Labour Organization

74. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Forced Labour Convention, 1930 (No. 29)

75. The Committee previously noted the adoption of the Anti-Trafficking in Persons Act (No. 6 of 2008), and noted the statement by the Government that the adoption of the Act required the establishment of institutions and the formulation of regulations for its effective implementation. In that regard, an anti-trafficking committee had been established, with the overall responsibility of coordinating the activities of government departments and law enforcement organs responsible for matters relating to trafficking in persons. Additionally, draft regulations had been developed for the approval of the Anti-Trafficking Committee and stakeholders, as had a national anti-trafficking action plan. The Government also stated that training on human trafficking was conducted for officers of command districts as well as criminal investigation officers with responsibilities related to human trafficking. Furthermore, with support from ILO and the International Organization for Migration, a directory of service providers for victims of human trafficking had been developed, to provide information on available services. The Committee requested the Government to strengthen its efforts to prevent and combat trafficking in persons, and to take measures to ensure that victims of trafficking are provided with appropriate protection and services.

Equal Remuneration Convention, 1951 (No. 100)

76. The Committee noted from the 2013 Formal Sector Employment and Earnings Analytical Report that the gender pay gap was 12.4 per cent in favour of men (in terms of monthly average cash earnings) in 2013, up from 5.8 per cent in 2012, and that some industries had gaps in favour of men as high as 28.2 per cent (agriculture, forestry and fishing), 24.2 per cent (financial and insurance activities) and 22.2 per cent (human health and social work). While the majority of the 19 industry groupings had an earnings gap in favour of men, five industries had gaps in favour of women, the widest being in the arts, entertainment and recreation industry (30.7 per cent gap) and the real estate industry (26.9 per cent gap). The Committee noted that in 2013 the disparity in monthly average cash earnings between men and women in the private sector was 10.6 per cent in favour of men. The Committee noted that in 2013 women made up 37.3 per cent of the workforce, but only 28.7 per cent of those with the highest wages, and 47.6 per cent of those with the lowest wages. The Government indicated that it had taken measures to address the gender pay gap through the enforcement and implementation of relevant laws and policies, and improving women's access to education, training and employment.

77. The Committee noted that in 2013 the disparity in monthly average earnings between men and women in the public sector was 20.1 per cent in favour of men, up from 15.4 per cent in 2012. The Government indicated that it had taken measures to reduce the gender pay gap through the Public Service Management and Employment Policy 2008 and the Public Service Pay and Incentive Policy 2010, which were "implemented to ensure equal pay for work of equal value and to eradicate pay disparities across the public service". The Committee noted that the 2010 policy refers to equal pay and job evaluation, but does not explicitly mention equal pay for men and women for work of equal value. The Government also indicated that during the financial year 2014-15, it issued a substantial salary increase to the lower cadres as compared with higher positions. The Committee asked the Government, among other things, how it is ensured that the 2010 Public Service Pay and Incentive Policy effectively applies the principle of equal pay for men and women for work of equal value.

78. The Committee noted that the 2010 Public Service Pay and Incentive Policy was aimed at harmonizing and rationalizing pay in line with the principle of equal pay for work of equal value and eradicating pay disparities across the entire public service. The 2010 policy document indicated that a job evaluation and regrading exercise was undertaken but that challenges existed in its implementation. The Committee noted however that the policy does not explicitly address pay disparity between men and women nor does it refer to an objective job evaluation free from gender bias. The Committee noted that the President's Office, Public Service Management must ensure that the principle of equal pay for work of equal value is adhered to and must establish criteria for weighing job content across the diverse organizations that comprise the broader public service based on the job evaluation and regrading exercise. The policy also provides that a public service and productivity and remuneration board shall be established to harmonize and monitor compensation in the public service.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

79. In its direct request of 2014, the Committee noted from the Formal Sector Employment and Earnings Analytical Report 2013 that 14.9 per cent of job vacancies in 2013 contained a sex preference. The Committee noted that 9.3 per cent of the job vacancies were for male-preference positions, and 5.6 per cent were for female-preference positions. The Committee asked the Government to provide information on measures taken or envisaged to address the practice of sex discrimination in hiring and in particular in job advertisements.

80. The Committee also noted that the Employment and Earnings Report 2013 confirmed the low participation rates of women in the economy (37.3 per cent of workers) and their continued occupational segregation. The Committee asked the Government to provide more specific information on the measures taken or envisaged to tackle the significant occupational gender segregation in the labour market and provide women with a wider range of employment opportunities, including in the highest-paid sectors and at the managerial and decision-making levels through, for example, diversified education and vocational training.

81. The Employment and Earnings Survey of 2013 indicated that women constituted 40.8 per cent of public sector employees. The Government provided data showing that women were underrepresented in almost every category of decision-making post in the public service. It also indicated that it had taken steps to improve women's access to education and training, including sponsoring 33 female public employees to pursue masters programmes aimed at preparing them for higher responsibilities.

82. With regard to Zanzibar, the Committee noted the indication by the Government that the minister, in consultation with the Labour Advisory Board, had passed the Anti-Sexual Harassment and Anti-Gender Discrimination Regulations of 2013. The Government indicated that part 3 of the regulations refer to anti-discrimination and the promotion of equality at work between men and women and that employers were implementing the regulations as a measure to promote equality and eliminate discrimination with regard to the recruitment, training, promotion and employment conditions of workers. The Committee requested the Government to provide information on the specific manner in which employers promote equality and address discrimination with regard to the recruitment, training, promotion, ongoing employment and employment conditions of workers pursuant to section 10 (2) (a) of the Employment Act 2005, and implement the new Anti-Sexual Harassment and Anti-Gender Discrimination Regulations of 2013.

83. Regarding Zanzibar, the Committee recalled that the Employment Policy of 2009 for Zanzibar provided for the promotion of employment of women and persons with disabilities. The Committee noted from the data provided by the Government that 39.9 per cent of the workers in Zanzibar are women (30.9 per cent of private sector workers and 46.5 per cent of government employees), and noted significant horizontal occupational segregation. The Committee asked the Government to provide information on the participation rates and results achieved by the Youth Employment Programme 2012, the employment committees mandated to create employment activities for youth, the Youth Employment Action Plan and technical and vocational education training centres, to promote access for women and persons with disabilities to employment and a wide range of vocational training courses, including in non-traditional fields.

Human Resources Development Convention, 1975 (No. 142)

84. In its direct request of 2013, the Committee noted with interest that enrolment in technical and vocational education and training increased by 32.2 per cent, from 85,040 in 2010 to 112,447 in 2012, with the proportion of female students increasing from 46.3 per cent in 2010 to 47.9 per cent in 2012.

Worst Forms of Child Labour Convention, 1999 (No. 182)

85. In its direct request of 2013, the Committee noted that, according to the provisions under part IV of the Anti-Trafficking in Persons Act of 2008, the Government will secure the protection, assistance and rehabilitation of child victims of trafficking and establish or designate centres for the protection and assistance to victims of trafficking in persons (sects. 19 and 20). The Committee also noted that Parliament has established an anti-human trafficking fund to finance the Anti-Trafficking Committee, which focuses on providing protection and assistance to victims of trafficking, and which the Government indicated is in place. It also noted the indication by the Government that regulations for the implementation of the Anti-Trafficking in Persons Act had been drafted and that it was awaiting further consultations with stakeholders. In addition, the Committee noted the information from the Government that some centres run by non-governmental organizations deal with the removal of child victims of trafficking for labour and sexual exploitation and their rehabilitation, such as the Kiwohede Centre in Dar es Salaam, Akuwata in Tanga, Don Bosco in Iringa, and Tuleane in Mwanza.

Other conventions

86. The most recent reports of the Government on Conventions Nos. 87 and 98 have been received, and were examined by the Committee of Experts at its session in November-December 2015. Relevant comments by the Committee will be made publicly available in the course of February 2016.

87. The Government has been requested to submit its reports on Conventions Nos. 29, 105, 138 and 182, which are due to be reviewed by the Committee of Experts at its session in November-December 2016.

Sweden

88. Of the relevant fundamental ILO conventions, Sweden has ratified Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and 182. Of the relevant governance ILO conventions, it has ratified Convention No. 122. Of the relevant technical ILO conventions, it has ratified Conventions Nos. 45, 142, 143, 156 and 175.

Comments made by the supervisory bodies of the International Labour Organization

89. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

90. In its direct request of 2014, the Committee noted that, according to EUROSTAT, the gender pay gap (in an unadjusted form) amounted to 15.9 per cent in 2012. The Committee noted the indication by the Government that the Delegation for Gender Equality in Working Life, established in 2011, had the function of proposing further action to reduce the gender wage gap, and that its report was due at the end of 2014. The Government further referred to an inquiry carried out under the Discrimination Act, which recommended the implementation of annual pay surveys.

91. The Committee recalled that, under chapter 3, section 10, of the Discrimination Act, employers must carry out pay surveys every three years. Chapter 3, section 11, provides for the obligation of employers to draw up an action plan for equal pay following the survey. In that regard, the Committee noted that the Government indicated that no information on the number of plans was available. The Government further indicated that the Equality Ombudsman was charged with supervising and promoting the work of employers on pay surveys and that an examination of the work of employers on pay surveys, analysis and action plans for equal pay would be carried out during 2014.

92. The Committee recalled that the Government had previously indicated that it was encountering difficulties in the investigation of complaints on pay discrimination between men and women. In that respect, the Committee noted that the Government had appointed a commission of inquiry (Dir. 2014:10) to submit proposals on how work against discrimination can be organized and made more efficient so that victims may assert their rights.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

93. In its direct request of 2014, the Committee recalled that the Government had adopted a long-term strategy for gender equality in the labour market in 2009, which provided for specific measures, including addressing horizontal occupational segregation in the labour market. The Committee noted the indication by the Government that the Delegation for Gender Equality in Working Life was established in 2011, with the function of proposing actions to promote gender equality in working life and to increase women's participation in the labour force. The report of the Delegation was due by the end of 2014. The Equality Ombudsman's plan for 2013-15 prioritizes work on equal rights and opportunities for Jewish, Roma, Sami, Swedish Finn and Tornedaler persons.

94. The Committee also requested the Government to provide information on the adoption, implementation and impact of gender equality plans at the enterprise level as required by the Discrimination Act, and on the measures taken to promote gender equality in businesses with fewer than 25 employees. In addition, the Government referred to the role of the Equality Ombudsman in the drafting and evaluation of the gender equality plans. The Committee requested the Government to provide information on the assistance that had been provided by the Equality Ombudsman in the drafting of the gender equality plans. It also requested information on any other measures taken to promote gender equality in employment and occupation in businesses with fewer than 25 employees.

Workers with Family Responsibilities Convention, 1981 (No. 156)

95. In its direct request of 2012, the Committee noted the indication by the Government that the Work Environment Authority's provisions on pregnant and breastfeeding workers with regard to risk assessment were revised, and entered into force in April 2008.

96. The Committee also noted with interest the introduction in 2008 of the gender equality bonus, in which parents who each take an equal number of parental benefit days, receive the maximum bonus of 13,500 Swedish krona together, on condition that one parent works when the other parent is receiving the parental benefit.

Worst Forms of Child Labour Convention, 1999 (No. 182)

97. Following its previous comments, the Committee noted the information from the Government that amendments with regard to providing more severe penalties for the sexual exploitation of children, and the abolition of the requirement of double criminality for prosecution of offences related to the sexual exploitation of children, were adopted on 1 July 2013. The minimum sentence for sexual exploitation of children has thus been increased from six months to one year, while more serious instances of sexual exploitation are deemed to be aggravated offences.

98. The Committee also noted the information from the Government that, since 2009, the National Criminal Police had taken specific measures to investigate sexual offences against children committed by Swedes abroad. The Committee noted with interest that those investigations have led to several convictions in Thailand, Cambodia and the Philippines. The Committee further noted the information from the Government that, in 2013, Sweden entered into bilateral police cooperation agreements with two countries in South-East Asia as a step towards combating child sex tourism. In addition, several bilateral meetings were held by the Swedish Prosecution Authority and the prosecution authorities in the Philippines, Thailand, Cambodia and Viet Nam on matters pertaining to sexual offences against children and trafficking in human beings. Furthermore, the judicial authorities conducted regular training to improve the process of detecting, investigating and prosecuting persons guilty of the sexual exploitation of children. The prosecution development centre in Gothenburg designed a support mechanism for child sex tourism cases and developed handbooks to provide guidance to prosecutors in dealing with sex crime tourism cases. The Committee finally noted the information from the Government that the international public prosecution office in Stockholm was carrying out a local project for enhanced prosecution in cases concerning travellers committing sexual offences against children. The project was intended to develop national and international cooperation with the police and other relevant law enforcement bodies to ensure that persons who commit sexual offences against children abroad are prosecuted in Sweden if legal proceedings cannot be instituted where the offence was committed.

Other conventions

99. The most recent reports of the Government on Conventions Nos. 87, 98 and 122 have been received, and were examined by the Committee of Experts at its session in November-December 2015. Relevant comments by the Committee will be made publicly available in the course of February 2016.

100. The Government has been requested to submit its reports on Conventions Nos. 29, 105, 138, 156 and 182, which are due to be reviewed by the Committee of Experts at its session in November-December 2016.

Vanuatu

101. Of the relevant fundamental ILO conventions, Vanuatu has ratified Conventions Nos. 29, 87, 98, 100, 105, 111 and 182. It has not ratified any other relevant conventions.

Comments made by the supervisory bodies of the International Labour Organization

102. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Equal Remuneration Convention, 1951 (No. 100)

103. In its direct request of 2014, the Committee noted that section 8 (1) of the Employment Act provides that "where a woman is employed on like work with a man in the same employment she shall be entitled to remuneration at the same rate as that man". The Government indicated that section 7 (4) of the Employment Relations Bill, 2012 provides that "every employer shall pay male and female workers equal remuneration for work of equal value including in accordance with determinations of the Tribunal pursuant to section 209". The Committee asked the Government to take the necessary measures to ensure that the Employment Relations Bill, 2012, effectively provides for the principle of equal remuneration for work of equal value when it is adopted.

104. The Government indicated that, in the public service, the Public Service Staff Manual of 2002 provides for the appraisal of jobs (chap. 2). According to the Government Remuneration Tribunal Act No. 20 of 1998, the Tribunal makes a determination that adjusts the remuneration of any person where that person is being paid under the level already determined for that position or a like position by the Tribunal. The Committee noted, however, that the Government did not indicate whether any objective job evaluation was carried out regarding posts in the public sector and provided no information about objective job evaluation in the private sector. The Committee asked the Government to provide further information on how it is ensured that the appraisal of jobs provided for in the Public Service Staff Manual of 2002 or the adjustment determined by the Government Remuneration Tribunal are carried out without any gender bias.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

105. In its direct request of 2014, the Committee noted that the Employment Act is applicable to public servants in general but does not apply to members of the armed forces, police force or prison service (sect. 76). In addition, section 77 provides for the possibility for the Minister to exempt any person or class of persons from the operation of all or any of the provisions of the Act. The Committee further noted that the Police Act did not provide for protection against discrimination.

106. The Committee noted that section 35 of the Employment Act prohibits, with some exceptions, women from being employed during the night in any undertaking. The Committee considered that protective measures applicable to women's employment which go beyond maternity protection and are based on stereotypes regarding women's professional abilities and role in society, violate the principle of equality of opportunity and treatment between men and women in employment and occupation. In addition, provisions relating to the protection of persons working under hazardous or difficult conditions should be aimed at protecting the health and safety of both men and women at work, while taking account of gender differences with regard to specific risks to their health (see General Survey on the fundamental Conventions, 2012, para. 840). The Committee hoped that the Government would take the necessary measures to ensure that restrictions on women's employment under the Employment Relations Bill, 2012 would be limited to maternity protection and that the existing provisions would be amended to allow women access to employment on an equal footing with men.

107. The Committee noted from the information provided by the Government that the national labour force participation rate was 71 per cent (80 per cent and 61 per cent for men and women, respectively). The labour force participation was higher in rural areas. Women were predominantly employed in elementary occupations, service and sales, while men predominated in all other categories of occupation. Moreover, women were underrepresented in higher-level posts in the public service. According to the information provided, some legal provisions established restrictions on women's property rights. The Committee recalled that there should be no discrimination in access to the material goods and services, such as land and investment credits, required to carry on an occupation. The Committee noted that the Government had adopted a Prioritized Action Agenda 2006-15 which included nine benchmarks to improve the situation of women, including visibility and meaningful participation in decision-making, valuation of the contribution of women, economic equality and independence, violence against women and discriminatory laws, and education. The Government also indicated that a Gender Focal Point was established in all ministries, that the Department of Women's Affairs had carried out various human rights and gender equality awareness-raising activities and that measures have been adopted at the provincial level for the advancement of women. The Government also referred to the Cash for Work Programme and the Community Based Enterprise Development Programme developed in close collaboration with ILO.

Other conventions

108. The Government has been requested to submit its reports on Conventions Nos. 29, 105 and 182, which are due for review by the Committee of Experts at its session in November-December 2016.